United States of America

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

٧.	) Case No. 5:16-MJ-1656-JG
GABIREL GONZALEZ-LEAL	) Case No. 3.10-1030-30
Defendant	)
DETENTION	ORDER PENDING TRIAL
After conducting a detention hearing under t require that the defendant be detained pending trial.	he Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts
	I—Findings of Fact
$\Box$ (1) The defendant is charged with an offense des	cribed in 18 U.S.C. § 3142(f)(1) and has previously been convicted
of $\square$ a federal offense $\square$ a state or local	al offense that would have been a federal offense if federal
jurisdiction had existed - that is	
□ a crime of violence as defined in 18 U for which the prison term is 10 years	J.S.C. § 3156(a)(4)or an offense listed in 18 U.S.C. § 2332b(g)(5) or more.
☐ an offense for which the maximum se	entence is death or life imprisonment.
☐ an offense for which a maximum pris	on term of ten years or more is prescribed in
	*
	nt had been convicted of two or more prior federal offenses (A)-(C), or comparable state or local offenses:
☐ any felony that is not a crime of viole	ence but involves:
□ a minor victim	
☐ the possession or use of a firearm	or destructive device or any other dangerous weapon
☐ a failure to register under 18 U.S.	C. § 2250
$\Box$ (2) The offense described in finding (1) was confident federal, state release or local offense.	committed while the defendant was on release pending trial for a
$\Box$ (3) A period of less than five years has elapse	d since the □ date of conviction □ the defendant's release
from prison for the offense described in fir	nding (1).
	outtable presumption that no condition will reasonably assure the safety arther find that the defendant has not rebutted this presumption.
Alter	rnative Findings (A)
$\Box$ (1) There is probable cause to believe that the	e defendant has committed an offense
☐ for which a maximum prison term of	ten years or more is prescribed in
□ under 18 U.S.C. § 924(c).	

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□ (2)	The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.	
	Alternative Findings (B)	
<b>1</b> (1)	There is a serious risk that the defendant will not appear.	
(2) There is a serious risk that the defendant will endanger the safety of another person or the community.		
Part II— Statement of the Reasons for Detention		
	I find that the testimony and information submitted at the detention hearing establishes by  clear and	
convi	ncing evidence $\ \square$ a preponderance of the evidence that Based on the defendant's waiver of his/her right to a detention hearing, there is no condition or combination of conditions, that car be imposed which would reasonably assure the defendant's appearance and/or the safety of another person or the community.	
	For the reasons indicated below there is no condition, or combination of conditions, that can be imposed which would reasonably assure the defendant's appearance and/or safety of another person or the community.	
	The nature of the charges  The lack of stable employment	
	The apparent strength of the government's case  The lack of a suitable custodian	
	The indication of substance abuse  The fact that the charges arose while on state probation	
	The defendant's criminal history  The history of probation revocations	
	Other:	
Part III—Directions Regarding Detention		
The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody		

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date: August 9, 2016

Robert T Numbers II

Robert T. Numbers, II United States Magistrate Judge

Printed name and title